UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,843	01/15/2002	Gary Robert Hanson	BOC9-1998-0053-US2 (78-1)	5662

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EXAMINER
HARPER, V PAUL

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No. 10/047,843	Applicant(s) HANSON, GARY ROBERT
	Examiner V. Paul Harper	Art Unit 2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The Examiner has considered the references listed in the Information Disclosure

Statement dated 4/19/2004.   A copy of the Information Disclosure Statement is

attached to this office action.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA
1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,*
418 F.2d 528, 163 USPQ 644 (CCPA 1969).
A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be
used to overcome an actual or provisional rejection based on a nonstatutory double
patenting ground provided the conflicting application or patent is shown to be commonly
owned with this application. See 37 CFR 1.130(b).
Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

2.   Claim 1 is rejected under the judicially created doctrine of obviousness-type

double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,457,031.

Although the conflicting claims are not identical, they are not patentably distinct from

each other because claim 1 of Patent No. 6,456,031 has limitations similar to those of

claim 1 of this application.

Regarding claim 1, claim 1 of U.S. Patent No. 6,457,031 discloses the following:

- playing an audio representation of text dictated in a prior dictation session (lines 10-11);

- displaying said previously dictated text concurrently with said playing of said audio representation (lines 9-11);

- sequentially highlighting individual words of said previously dictated text as each word is played in said audio representation (lines 10-11);

- selectively establishing marks during said playing of said audio representation for different ones of said sequentially highlighted words responsive to user commands, each said mark established when said word is highlighted (lines 12-16); and,

- storing said marks in an ordered list, each said mark including a current position and length of a corresponding marked word, said ordered list containing data associated only with marked words, whereby the marked words can be later recalled for correction in accordance with said ordered list (lines 17-22).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-7, and 10-16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Mitchell et al. (U.S. Patent 5,857,099), hereinafter referred to as

Mitchell in view of Edgar (U.S. Patent 6,113,394), hereinafter referred to as Edgar and

further in view of Ballard et al. (U.S. Patent 6,195,637), hereinafter referred to as

Ballard.

        Regarding **claim 1**, Mitchell discloses a speech-to-text dictation system with

audio message capability. Mitchell's disclosure includes the following steps:

*   playing an audio representation of text dictated in a prior dictation session (col. 1,

lines 63-65, play back);

*   displaying said previously dictated text concurrently with said playing of said

audio representation (abstract, display with corresponding audio data; col. 9, lines 2-5,

"display in reverse video format");

        But Mitchell does not specifically teach "sequentially highlighting individual words

of said previously dictated text as each word is played in said audio representation."

However, the examiner contends that this concept was well known in the art, as taught

by Edgar.

        In the same field of endeavor, Edgar discloses a reading aid where a box

sequentially outlines each word of a file (Fig. 17-18, abstract, "sequentially locates

discrete ...").

        Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify Mitchell by specifically providing the feature,

as taught by Edgar, because it is well known in the art at the time of invention as an aid to focusing attention.

Furthermore, Mitchell does not specifically teach "selectively establishing marks during said playing of said audio representation for different ones of said sequentially highlighted words responsive to user commands, each said mark established when said word is highlighted." However, the examiner contends that this concept was well known in the art, as taught by Ballard.

In the same field of endeavor, Ballard discloses a method for marking and deferring the correction of misrecognition errors where a user marks an error in the text by highlighting the word for later replay and correction (col. 1, lines 43-61).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mitchell by specifically providing the feature, as taught by Edgar, because it is well known in the art at the time of invention as a way to perform corrections without interfering with the dictation (Ballard, col. 1, line 38-40).

Mitchell teaches that the file can be stored and recalled later for correction (col. 10, line 64 through col. 11, line 5, reopen for later play back), but Mitchell does not specifically teach "storing said marks in an ordered list, each said mark including a current position and length of a corresponding marked word, said ordered list containing data associated only with marked words, whereby the marked words can be later recalled for correction in accordance with said ordered list." However, the examiner contends that this concept was well known in the art, as taught by Ballard.

Ballard further discloses highlighting/marking words for later correction by using a correction tool that serially displays each marked work after dictation is complete (col. 3, lines 14-22).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mitchell by specifically providing the feature, as taught by Ballard, because it is well known in the art at the time of invention as a way to reduce dictation time and improve efficiency (Ballard, col. 3, lines 24-25).

Regarding **claim 2**, Mitchell in view of Edgar and Ballard teaches everything claimed, as applied above (see claim 1), but Mitchell does not specifically teach "the step of visually highlighting said marked words responsive to a user request." However, the examiner contends that this concept was well known in the art, as taught by Ballard.

Ballard further teaches deferred text correction where a user marks a misrecognition error in text by highlighting the word, with words thus marked replayed sequentially for later correction (col. 1, lines 43-61, col. 2, lines 12-16).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mitchell in view of Edgar and Ballard by specifically providing the feature, as taught by Ballard, because it is well known in the art at the time of invention as a way to correct errors without interfering with a user's dictation (Ballard, col. 1, lines 38-40).

Regarding **claim 3**, Mitchell in view of Edgar and Ballard teaches everything claimed, as applied above (see claim 1); in addition, Mitchell teaches "the step of automatically visually highlighting said marked words" (col. 9, lines 3-5, with infirm words automatically displayed ...).

Regarding **claim 4**, Mitchell in view of Edgar and Ballard teaches everything claimed, as applied above (see claim 1); in addition, Mitchell teaches "displaying said previously dictated text in a first display window" (col. 2, lines 55-63).

But Mitchell does not specifically teach "sequentially visually highlighting each word of said previously dictated text in a first manner." However, the examiner contends that this concept was well known in the art, as taught by Edgar.

Edgar teaches sequentially box outlining each word of a file (Figs. 17-18, abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mitchell by specifically providing the feature, as taught by Edgar, because it is well known in the art at the time of invention as an aid to focusing attention.

Furthermore Mitchell does not specifically teach "visually highlighting each marked word in a second manner." However, the examiner contends that this concept was well known in the art, as taught by Ballard.

Ballard teaches marking text by highlighting or underlining (col. 3, lines 5-7).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mitchell by specifically providing the feature,

as taught by Ballard, because it is well known in the art at the time of invention to be advantageous to be able to indicated different error types.

Regarding **claim 5**, Mitchell in view of Edgar and Ballard teaches everything claimed, as applied above (see claim 4). However Mitchell does not specifically teach the following:

a) sequentially displaying in a second display window portions of said previously dictated text including said word highlighted in said first manner; and,

b) sequentially displaying in a third display window within said second display window said word in said previously dictated text highlighted in said first manner.

However, the examiner contends that these concepts were well known in the art, as taught by Edgar.

Edgar teaches the display of text in multiple panes including the centering and display of a discrete portion (a) and b), above) (Figs. 17-18, abstract; col. 2, lines 44-63).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mitchell by specifically providing the features, as taught by Edgar, because it is well known in the art at the time of invention as an aid to focusing attention.

Regarding **claim 6**, this claim has additional limitations similar to claims 4 and 5 and is rejected for the same reasons.

Regarding **claim 7**, this claim has additional limitations similar to claim 4 and is rejected for the same reasons.

Regarding **claim 10**, Mitchell in view of Edgar and Ballard teaches everything claimed, as applied above (see claim 1); in addition, Mitchell teaches the following:

- determining said current position of each said marked word (col. 7, lines 1-10) ; and,

- determining said length of each said marked word at each said current position (col. 7, lines 19-21).

Regarding **claim 11**, Mitchell in view of Edgar and Ballard teaches everything claimed, as applied above (see claim 1); in addition, Mitchell teaches "the step of recalling said marked words for correction" (col. 2, lines 56-63, postponed corrections)

Regarding **claim 12**, Mitchell in view of Edgar and Ballard teaches everything claimed, as applied above (see claim 10); in addition, Mitchell teaches "the step of selectively playing back said marked words in forward and reverse sequences corresponding to said ordered list (col. 1, lines 63-67, dictated data can be reordered).

Regardng **claim 13**, Mitchell in view of Edgar and Ballard teaches everything claimed, as applied above (see claim 1); in addition, Mitchell teaches the following:

- examining said ordered list of marks responsive to a user request to show a mark

(col. 1, lines 63-67, linked data);

- retrieving text associated with said mark (col. 1, lines 63-67); and,

- displaying said retrieved text (col. 1, lines 63-67; col. 9, lines 1-7).

Regarding **claim 14**, this claim contains limitations similar to claim 4 and is

rejected for the same reasons.

Regarding **claim 15**, Mitchell in view of Edgar and Ballard teaches everything

claimed, as applied above (see claim 11). In addition, Mitchell teaches the following:

- responsive to a user modifying text by inserting, deleting or replacing characters,

determining a number of characters being inserted, deleted or replaced (col. 1, lines 65-

67, col. 7, lines 20-25);

- determining a position where said characters were inserted, deleted or replaced

(col. 9, lines 7-12);

- if said modifying changed a marked word, adjusting said length of said marked

word in said corresponding mark in said ordered list (col. 14, lines 20-21);

- determining if said modifying was an insertion or deletion (col. 14, lines 5-6, 10-

13); and,

- if said modifying was an insertion or deletion, adding or subtracting said number

of characters to or from positions of all marks in said ordered list following a point of

said insertion or deletion (col. 9, lines 60-65).

Regarding **claim 16**, Mitchell in view of Edgar and Ballard teaches everything

claimed, as applied above (see claim 15); in addition, Mitchell teaches "the step of

refreshing said displaying of said marked words" (col. 5, lines 58-64; document

displayed from memory).

4.   Claims 8, 9, and 17-19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Mitchell in view of Edgar and Ballard in view of well known prior art

(MPEP 2144.03).

Regarding **claim 8**, Mitchell in view of Edgar and Ballard teaches everything

claimed, as applied above (see claim 7). In addition Mitchell in view of Edgar and

Ballard teaches the following:

*   permanently visually highlighting said selectively marked words in said different

manner (see claims 6 and 4, Ballard teaches marking text in multiple ways).

But Mitchell does not specifically teach "removing said permanent visual

highlighting responsive to a user command (or automatically)." However, the examiner

takes official notice of the fact that the removal an indicator after correction was made

was well known in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify Mitchell in view of Edgar and Ballard, as

stated, because the removal of correction indicators allows a user to keep track of what still needs to be corrected.

Regarding **claim 9**, this claim has additional limitations similar to claim 8 and is rejected for the same reasons.

Regarding **claims 17, 18 and 19**, these claims have additional limitations similar to claims 8, 9, and 17, respectively, and are rejected for the same reasons.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Paul Harper whose telephone number is 703 305-4197. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 703 305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

November 29, 2004

V. Paul Harper, PhD
Examiner
Art Unit 2654

RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER